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Letter dated 23 February 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1966 (2010), adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals, and, in particular, to the appointment of the President and the Prosecutor of the Mechanism.

The terms of office of the current President and the current Prosecutor of the Mechanism expire on 29 February 2016.

Article 11, paragraph 1, of the Statute of the Mechanism, set out in annex 1 to resolution 1966 (2010), provides that, after consultation with the President of the Security Council and the judges of the Mechanism, the Secretary-General shall appoint a full-time President from among the judges of the Mechanism.

I intend to reappoint Judge Theodor Meron of the United States of America, at present a judge in the Appeals Chamber of the International Tribunal for the Former Yugoslavia, as President of the Mechanism. As the first President of the Mechanism, Judge Meron has shown astute stewardship of the institution and played a leading role in ensuring that the Mechanism remains small and efficient, as envisaged by the Security Council in its resolution 1966 (2010). The judges of the Mechanism have been consulted, as stipulated in article 11, paragraph 1, of the Statute.

I note that the Security Council does not prescribe, either in its resolution 1966 (2010) or in the Statute of the Mechanism, the length of the term of office of the President. Pursuant to paragraph 17 of resolution 1966 (2010), the Mechanism shall operate for subsequent periods of two years after review by the Security Council of the progress of its work, unless the Security Council decides otherwise. I believe that it would be advisable to make the term of office of the President coterminous with the period of operation of the Mechanism. I therefore intend to reappoint the President for a term of office beginning on 1 March 2016 and ending on 30 June 2018 or for such period of time as would be consistent with any decisions that the Security Council may take concerning the term of office of the Prosecutor and the mandate of the Mechanism.

Regarding the Prosecutor, article 14, paragraph 4, of the Statute provides that the Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and

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be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

I also wish to draw your attention to article 7 of the Transitional Arrangements, set out in annex 2 to resolution 1966 (2010), which states that, notwithstanding the provisions of the Statutes of the Mechanism, the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), the President, Judges, Prosecutor and Registrar of the Mechanism may also hold the office of President, Judge, Prosecutor and Registrar, respectively, of ICTY or ICTR.

I hereby nominate Serge Brammertz of Belgium for appointment as Prosecutor of the Mechanism. As Prosecutor of ICTY since 1 January 2008, Mr. Brammertz has demonstrated remarkable determination in ensuring that persons indicted by ICTY face justice. The Mechanism would benefit from his experience and leadership in the prosecutorial functions.

I recall that, according to article 14, paragraph 4, of the Statute of the Mechanism, the Prosecutor shall serve for a four-year term. However, in the light of paragraph 17 of resolution 1966 (2010), and with a view to making the terms of office of the senior officials of the Mechanism coterminous with the period of operation of the institution, I would suggest that the Security Council consider appointing the Prosecutor for a term of office beginning on 1 March 2016 and ending on 30 June 2018.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon